

**Ouray City Council Regular Meeting  
Summarized Minutes  
Tuesday, January 22, 2019 at 6:00pm  
Massard Auditorium – Ouray Community Center**

**1. CALL TO ORDER**

Mayor Larson called the meeting to order at 6:00 p.m.

**2. ROLL CALL**

Mayor Pam Larson - Present

Mayor Pro Tem Glenn Boyd – Present

Councilor Dawn Glanc – Present

Councilor Dee Hilton - Present

Councilor Bette Maurer – Present

Also present were City Administrator Katie Sickles, City Resources Director Rick Noll, Police Chief Justin Perry, Public Works Director Joe Coleman, Community Development Coordinator Chris Hawkins, Finance and Administration Director Melissa Drake, and City Attorney David Masters

**3. THE PLEDGE OF ALLEGIANCE WAS RECITED**

**4. APPROVAL OF AGENDA – Move or remove items or address conflict of interest**

Mayor Larson requested to move the “Carry On Girls” item immediately following the Approval of the Agenda. She also requested to add an Action Item to name Justin Perry as Acting Administrator since the Administrator will be on vacation and Action Item to address the lack of a quorum available for the February 19th meeting.

Mayor Pro Tem Boyd made a motion to approve the agenda as amended. Councilor Glanc seconded the motion and it was approved on unanimous vote.

**Carry On Ridgway/Reuses** members spoke to the Council about the dangers of single-use plastic and the benefits of recycling, banning plastic bags, and promoting reusable containers.

**5. PUBLIC HEARING – Request by Imogene Holdings, LLC for a Preliminary PUD to permit a height variance for a rooftop deck safety railing for an outdoor bar and event space; located at 740 Main Street, Lot 13, Block 9, City of Ouray**

Mayor Larson opened the Public Hearing.

Community Development Coordinator Chris Hawkins gave an overview of the project and its current status. He stated that the Council and Planning Commission made a site visit today and had a noise demonstration. He presented photos of the mockup of proposed exterior changes to the building. Stuart Gillespie, applicant, spoke with the Council about his proposal.

Tamara Gulde, Planning Commissioner, stated that this is a preliminary review, not final, so additional review will be upcoming.

Public Comments:

Greg Nelson, representing the Community Plan Committee, stated that a 50 year deed restriction for the affordable housing had been discussed.

Sally Clifford voiced concerns about noise.

Kat Papenbrock spoke about affordable housing requirements and deed restriction timelines.

With no more comment, Mayor Larson closed the public hearing.

#### **6. PUBLIC HEARING – Ordinance 01 – 2019, Sewer Tap Restriction – 2<sup>nd</sup> Reading**

Mayor Larson opened the Public Hearing.

Mr. Hawkins spoke about the Wastewater Treatment Plant capacity study and estimates of only 35 additional taps remaining.

There were no public comments so Mayor Larson closed the Public Hearing.

#### **7. PUBLIC HEARING – Ordinance 02 – 2019, Wildlife Resistant Refuse Containers for All Residential and Short Term Rentals – 2<sup>nd</sup> Reading**

Mayor Larson opened the Public Hearing.

City Administrator Katie Sickles gave an overview of the need for requiring wildlife-resistant trash containers.

There were no public comments so Mayor Larson closed the Public Hearing.

#### **8. CITIZENS' COMMUNICATION**

- a. Carry On Girls presentation – earlier in the meeting
- b. Unscheduled

Brandy Ross spoke about the increase in City utility rates. She also spoke about its negative effects on affordable housing.

Jason Perkins, Ouray RV Park and Cabins, spoke about additional taxes on business and increased utility costs.

- c. Council's Response from previous Citizens' Communication

None

## 9. CITY COUNCIL REPORTS/INFORMATION

- a. **Glanc** – Ice Park meeting on January 16<sup>th</sup>, Ice Fest is this weekend
- b. **Maurer** – Attended the Housing meeting last week and discussed financing
- c. **Boyd** – Attended the first portion of the CEDC Meeting – discussed the need for rumor control. Kat Papenbrock stated that in the remainder of the meeting there were discussions about the Community Plan Project (meeting tomorrow night), responsibilities, and upcoming round tables.
- d. **Hilton** – Thanked the PARC Committee for the successful event on Saturday
- e. **Larson** – additions to the agenda

**Councilor Maurer made a motion to appoint Justin Perry as Acting Administrator in Sickles' absence. Mayor Pro Tem Boyd seconded the motion and it was approved on unanimous vote. Council wishes to discuss possible increased pay during the time period.**

**Mayor Pro Tem Boyd made a motion to move the February 19th meeting to February 25th. Councilor Maurer seconded the motion and it was approved on unanimous vote.**

**Community Development Coordinator Chris Hawkins asked if the Short-term Rental Regulations work session should also be moved to February 25<sup>th</sup>. Council agreed to move it.**

**Mayor Larson also stated that the one year evaluation of Administrator Sickles will be coming up soon and will be handled through Masters and Viner as in previous years.**

## 10. COMMITTEE APPOINTMENTS

- a. Beautification Committee

Councilor Hilton made a motion to reappoint Robert Stouffer and Ned Bosworth for 3 year terms. Mayor Pro Tem Boyd seconded the motion and it was approved on unanimous vote.

- b. Community Economic Development Committee (CEDC)

Mayor Pro Tem Boyd made a motion to reappoint Rick Noll and Faith Parry to the CEDC. Councilor Glanc seconded the motion and it was approved on unanimous vote. Mayor Pro Tem Boyd thanked Faith Parry for her service and taking minutes for the committee.

c. Parks and Recreation Committee

Councilor Maurer made a motion to reappoint Tom Tyler, Greg Nelson, Kendra Wilcox, Amy Winterrowd, Diane Nelson, Kim Kelly, and Shawn Kitchens for 1 year terms, Mayor Pro Tem Boyd seconded the motion and it was approved on unanimous vote.

## 11. NEW/PROMOTED EMPLOYEES

- a. Tyler Fletcher – Mechanic
- b. Derek Jones – Aquatics Coordinator
- c. Jason King – Pool Maintenance
- d. Zach Taylor – Pool Maintenance
- e. Lydia Bright – Part-time Assistance Pool Manager
- f. Kylin Mueller - Intern

## 12. FINANCE DIRECTOR

- a. December Financial Report – will be presented at the February 25<sup>th</sup> meeting
- b. December Disbursements – will be presented at the February 25<sup>th</sup> meeting
- c. December Sales Tax Report (Discussion)

Finance Director Melissa Drake presented the Sales Tax reports.

- d. December LOT Report (Discussion)

Finance Director Melissa Drake presented the LOT Report and the Council discussed it.

Council requested seeing LOT late fees and interest quarterly in separate category.

Jason Perkins from Ouray RV Park stated that he has a lot of long-term renters that may have skewed the report.

Kat Papenbrock spoke about LOT, stating that there was an increase in exempt rooms in the report. She also stated that shoulder season tourism growth saved the yearly sales tax revenue since there was a decline in the summer due to fires.

## 13. CONSENT AGENDA

- a. Bed & Breakfast Permit Application – China Clipper B & B LLC
- b. Huckstering Permit Application – Ouray RV Park dba Ouray Café & Steakhouse, Ice Festival, Jan 25th-27th
- c. Huckstering Permit Application – Ouray School District R-1, Fundraising, Ice Festival, Jan 25th-27th

Mayor Pro Tem Boyd made a motion to approve the Consent Agenda. Councilor Glance seconded the motion and it passed on unanimous vote.

#### **14. ACTION ITEMS**

- a. Request by Imogene Holdings, LLC for a Preliminary PUD to permit a height variance for a rooftop deck safety railing for an outdoor bar and event space; located at 740 Main Street, Lot 13, Block 9, City of Ouray**

Councilor Glanc made a motion to approve the Preliminary PUD as presented with a 50% AMI and 50 year deed restriction. Councilor Maurer seconded the motion.

The Council discussed the motion.

Councilors Glanc and Maurer amended their motion for the Planning Commission to review the appropriate AMI and a possible 50 year deed restriction. The motion passed on unanimous vote.

- b. PSA – Interim Pool Manager Jan Marie Smith**

Councilor Glanc made a motion to approve the PSA. The motion died for lack of a second.

Councilor Hilton stated that the contract salary is too high and employee benefit money should not be included in contractor salary. Mayor Pro Tem Boyd and Councilor Maurer agreed.

Administrator Sickles discussed the proposed salary with Council.

Mayor Pro Tem Boyd made a motion to approve the PSA at \$1,375 per week. Councilor Hilton seconded the motion.

Council further discussed this with Administrator Sickles.

The motion passed on unanimous vote.

Ms. Sickles stated that she promised the original rate for the first week and offered to take the difference out of her own salary. Council agreed that the difference should not come out of Ms. Sickles' salary.

- c. Division 7 Case Conditional Water Right**

Will be discussed in Executive Session.

- d. Wright Water Engineers Peer Review of WWTF/JVA Deliverables**

Pete Foster spoke about Peer Review of the JVA study for \$3,000-\$5,000.

Councilor Hilton stated that there are members of the community who are experienced in this area who would review the plan for free. Mr. Foster answered questions regarding his firm's work in this area.

Council stated that all citizens are encouraged to review and give their input.

Councilor Maurer made a motion to approve the review for no more than \$5,000. Mayor Pro Tem Boyd seconded the motion. The Council further discussed with Mr. Foster and citizens. The motion was approved on a 4 to 1 vote with Councilor Hilton voting "No."

**e. Wright Water Engineers Water Improvement Plan – Ice Park**

Pete Foster gave a presentation to Council on the City's spring water source production, usage, and Ice Park demand.

Administrator Sickles stated that if the Ice Park funds a study for a non-potable water project, the City still owns the water. Mr. Foster and Council agreed.

The Council took no action.

**f. Wright Water Engineers 2018 Update Water Efficiency Plan**

Mr. Foster described the updated water efficiency plan and its uses in applying for grants. The plan to install meters greatly changes the Efficiency Plan.

Mayor Pro Tem Boyd made a motion to approve the Water Efficiency Plan. Councilor Glanc seconded the motion and it passed on unanimous vote.

**g. City Attorney RFQ Submittals**

Ms. Sickles stated that there was one response to the RFQ from J. David Reed Attorneys at Law and a partial response from Marti Whitmore for water issue representation. She requested a "trial run" for J. David Reed Attorneys at Law and suggested a meeting with Council on February 4th.

Councilor Glanc made a motion to approve the base rate J. David Reed P.C. and attend the next Council meeting. Councilor Maurer seconded the motion. The Council further discussed the item.

The motion passed on unanimous vote.

Mayor Pro Tem Boyd requested that the Council hold a work session on Feb. 4<sup>th</sup> to meet the attorneys.

**h. Special Events Permit Application – BPOE Lodge #492, New Year's Eve Party, December 31st**

Councilor Maurer recused herself since she is listed as the applicant.

Mayor Pro Tem Boyd made a motion to approve the Special Events Permit. Councilor Glanc seconded the motion and it passed on unanimous vote.

Councilor Maurer rejoined the meeting.

## **15. RESOLUTIONS, ORDINANCES, IGAS, OR OTHER OFFICIAL LOCAL GOVERNMENT APPROVALS**

### **a. Ordinance 01 - 2019, Sewer Tap Restriction – 2<sup>nd</sup> Reading**

Councilor Glanc made a motion to approve the Ordinance. Councilor Hilton seconded the motion. Council discussed the possible restriction with Ms. Sickles and Mr. Hawkins.

The motion passed on a vote of 3 to 2 with Councilor Maurer and Mayor Pro Tem Boyd voting "No."

### **b. Ordinance 02 - 2019 – Wildlife Resistant Refuse Containers for All Residential and Short Term Rentals – 2nd Reading**

Mayor Pro Tem Boyd made a motion to approve Ordinance 02. Councilor Hilton seconded the motion and the motion passed on unanimous vote.

## **16. DISCUSSION**

### **a. Closure of Hot Springs Pool April 14, 7pm to April 19, noon**

Administrator Sickles explained that there are many maintenance issues which would require closure of the pool and bathhouse. She also stated that a 2-day closure would be needed in the fall. Councilor Maurer stated that the new pool design was supposed to prevent closure of the entire facility.

The Council discussed the issues with Ms. Sickles, City Resources Director Rick Noll, and citizens.

### **b. Planning Commission Member terms and process**

Community Development Coordinator Chris Hawkins stated that terms have expired for 3 members and 1 member has resigned. We will advertise for new members.

Mark Orgren spoke about the majority of people who love the character of Ouray and he suggested that the Council consider the character when choosing Commissioners. He also suggested limiting terms.

Councilor Maurer stated that sales tax offers a 3% discount on sales tax if deadlines are met. She asked what it would take to offer a similar discount for Lodging Tax. Ms. Drake and Ms. Sickles stated that a vote of the citizens would be required.

**At 8:55pm, Council took a short break.**

**At 9:05pm, Mayor Pro Tem Boyd made a motion to go into Executive Session. Councilor Maurer seconded the motion and it was approved on unanimous vote.**

## **17. EXECUTIVE SESSION – A conference with the City attorney for the purpose of receiving legal advice on specific legal questions under C.R.S.24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for**

negotiations, and/or instructing negotiators, under C.R.S. 24-6-402(4)(e): Municipal Court Judge position.

18. EXECUTIVE SESSION – pursuant to C.R.S. § 24-6-402(4)(e), to discuss and determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, regarding Red Mountain Ditch and case number 2013CW3040.

The Executive Sessions adjourned at 9:45pm.

#### 19. ADJOURNMENT

At 9:46pm, Mayor Pro Tem Boyd made a motion to adjourn the meeting. Councilor Hilton seconded the motion and it was approved on unanimous vote.

Pamela J. Larson 2-4-19  
Pamela J. Larson, Mayor Date

ATTEST:

Melissa M. Drake  
Melissa M. Drake, City Clerk